

REMARKS

Claims 19-55 are pending in the Application. Claims 19-22, 26-29, 33, 35 and 51-55 are independent. None of the claims are amended.

Claim Rejections - 35 U.S.C. § 103

Claims 19-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohlsson (U.S. Patent Application Publication No. 20020068571) in view of Fiter (WO 02128130 A2).

The cited reference Fiter is in German and corresponds to Fiter (U.S. Patent No. 7, 147, 177). (Office action, p. 3.) Applicant will be citing to the U.S. patent when referring to Fiter.

Independent claims 19, 20 and 33 are separately discussed and rejected by the Office action. (Office action, pp. 3, 4, 9.)

Independent claims 21 and 22 are rejected based upon the rejection of claim 20. (Office action, p. 6.) Independent claim 23 is rejected based on the rejection of claim 19. (Office action, p. 6.) Independent claims 26-29 are rejected based on the rejection of claim 26. (Office action, pp. 7, 8.) Independent claim 35 is rejected based upon the rejection of claim 33. (Office action, p. 11.)

Applicant traverses the rejections as follows.

Claim 19

Claim 19 recites “A mobile communication system, comprising: a mobile terminal unit; a radio base station which communicates with said mobile terminal unit via a radio channel; a radio controller which controls said radio base station and is physically separated into control plane equipment for controlling transfer of signaling and user plane equipment for controlling transfer of user data; and a radio base station replacement control apparatus which controls replacement of said radio base station, wherein the mobile terminal is handed over from the radio

base station to another radio base station, controlled by a drift radio controller, without establishing a path between the radio controller and the drift radio controller.” (Emphasis added.)

Applicant submits that at least “a radio controller ... physically separated into control plane equipment ... and user plane equipment” of claim 19 is not taught or suggested by the cited references.

The Office action cites to Ohlsson for teaching all elements of claim 19 except for the “radio controller.” (Office action, pp. 3, 4.) The Office action cites to Fiter, figures 1 and 2 and page 6, lines 31-35 and page 7, lines 1-35, for teaching the portion of the claim that recites “radio controller ... physically separated into a control plane equipment for controlling transfer of signaling and user plane equipment for ... controlling transfer of user data.” (Office action, p. 3.)

According to the Office action, in Fiter “the user and control plane are administered by two different servers; i.e., UPS and RCS.” (Office action, p. 3.)

Applicants submit there is no teaching or suggestion in Fiter that the UPS and RCS are “physically separated” as claimed recited in claim 19. Nothing in Fiter teaches or suggests that the UPS and RCS are arranged in any way other than the conventional way described in the Background section of the present Application. In fact, figure 1 of Fiter shows both UPS and RCS within the radio access network RAN. In contrast, figure 5 of the Application shows a router 17 located between the CPE 41 and the UPE 42 such that the two are shown to be physically separated. (See also, paragraph [0014] of the published Application, U.S. Patent Application Publication No. 2006/0223533, discussing the prior art that is distinguished from the

“physical separation” aspect of the Application and paragraphs [0072] to [0079] describing the arrangement leading to the separation.)

As such, Fiter does not teach or suggest “a radio controller ... physically separated into control plane equipment ... and user plane equipment” of claim 19.

Ohlsson was not cited for teaching this element.

Accordingly, claim 19 is believed to be patentable over the cited references, taken alone or in combination.

Withdrawal of the rejection is requested.

Claim 20

Claim 20 recites “A mobile communication systems comprising: a mobile terminal unit; a radio base station which communicates with said mobile terminal unit via a radio channel; a radio controller which controls said radio base station and is physically separated into control plane equipment for performing control independent of a radio transmission scheme and user plane equipment for performing control depending on a radio transmission scheme; and a radio base station replacement control apparatus which controls replacement of said radio base station, wherein the control plane equipment and the user plane equipment are adapted to be connected across a network.” (Emphasis added.)

As submitted in the response to the previous Office action, Ohlsson does not show a network. Fiter does not show a network either. As discussed above, the RCS and UPS of Fiter are shown both within a RAN and are not shown or described to be physically separated or located across a network.

As such, even a combination of Ohlsson and Fiter does not teach or suggest “a radio controller ... physically separated into control plane equipment ... and user plane equipment” or that “the control plane equipment and the user plane equipment are adapted to be connected across a network” of claim 20.

Accordingly, claim 20 is believed to be patentable over the cited references, taken alone or in combination.

Withdrawal of the rejection is requested.

Claim 21

Claim 21 recites “A mobile communication systems comprising: a mobile terminal unit; a radio base station which communicates with said mobile terminal unit via a radio channel; a radio controller which controls said radio base station and is physically separated into control plane equipment for controlling transfer of signaling and user plane equipment for controlling transfer of user data, said user plane equipment performing control depending on a radio transmission scheme; and a radio base station replacement control apparatus provided physically independently of the control plane equipment and the user plane equipment, the radio base station replacement control apparatus controlling replacement of said radio base station with other radio base stations being controlled by the radio controller or by other radio controllers.” (Emphasis added.)

First, as discussed above, even a combination of Ohlsson and Fiter does not teach or suggest “a radio controller ... physically separated into control plane equipment ... and user plane equipment” of claim 21.

Second, as discussed in the response to the previous Office action, the element “a radio base station replacement control apparatus provided physically independently of the control plane equipment and the user plane equipment” is not present in Ohlsson. Fiter does not show the radio base stations or a third element of “a radio base station replacement control” as claimed in claim 21.

Accordingly, claim 21 is believed to be patentable over the cited references, taken alone or in combination.

Withdrawal of the rejection is requested.

Claim 22

Claim 22 recites “A mobile communication system, comprising: a mobile terminal unit; a radio base station which communicates with said mobile terminal unit via a radio channel; and a radio controller which controls said radio base station and is physically separated into control plane equipment for controlling a terminal resource of said mobile terminal unit and user plane equipment for accommodating said radio base station and controlling a base station resource of said radio base station, wherein the user plane equipment is incorporated into the radio base station, and wherein replacement of said radio base station in communication with the mobile terminal with another radio base station is controlled by a user data selector and synthesizer unit incorporated into the radio base station.” (Emphasis added.)

As presented above, Applicants submit that both the RCS and UPS of Fiter are shown within its RAN and there is no radio base station shown in Fiter. Therefore, the cited references, alone or in combination, do not teach or suggest “a radio controller ... physically separated into control plane equipment ... and user plane equipment” or “wherein the user plane equipment is incorporated into the radio base station” of claim 22.

Accordingly, claim 22 is believed to be patentable over the cited references, taken alone or in combination.

Withdrawal of the rejection is requested.

Claim 26

Claim 26 recites “wherein the mobile communication system includes a mobile terminal unit, said radio base station which communicates with said mobile terminal unit via a radio channel, and a radio controller which controls said radio base station, and is physically separated into control plane equipment for controlling transfer of signaling and user plane equipment for accommodating said radio base station under the control and controlling transfer of user data” (Emphasis added.)

As presented above “a radio controller ... physically separated into control plane equipment for controlling transfer of signaling and user plane equipment for ... controlling transfer of user data” of claim 26 is not taught or suggested by the cited references.

Accordingly, claim 26 is believed to be patentable over the cited references, taken alone or in combination.

Withdrawal of the rejection is requested.

Claim 27

Claim 27 includes elements similar to claim 26 and is rejected on similar grounds. (See, Office action, p. 7.) As such, claim 27 is patentable at least for reasons cited above regarding patentability of claim 26.

Withdrawal of the rejection is requested.

Claim 28

Claim 28 includes elements similar to claim 26 and is rejected on similar grounds. (See, Office action, p. 8.) As such, claim 28 is patentable at least for reasons cited above regarding patentability of claim 26.

Withdrawal of the rejection is requested.

Claim 29

Claim 29 includes elements similar to claim 26 and is rejected on similar grounds. (See, Office action, p. 8.) As such, claim 29 is patentable at least for reasons cited above regarding patentability of claim 26.

Withdrawal of the rejection is requested.

Claim 33

Claim 33 includes “a radio base station replacement control apparatus which is provided physically independently of the first and user plane equipment and controls replacement of the radio base station with other radio base stations being controlled by the radio controller or by other radio controllers.”

The Office action is citing to UAF of Fiter for teaching the “radio base station replacement control apparatus” of claim 33. (See, Office action, p. 10.) However, there is no indication that the UAF is “provided physically independently of the first and user plane equipment and controls replacement” as claimed by claim 33. In fact the UAF is shown inside a RCS2 in figure 1 of Fiter and Fiter states that “The signaling functionalities UEF and the administration unit UAF, which are situated at different second nodes RCS1, RCS2 in the development of FIG. 1, may of course also be combined at a single node.” (Fiter, col. 5, lines 11-4.)

Therefore “a radio base station replacement control apparatus which is provided physically independently of the first and user plane equipment and controls replacement” of claim 33 is not taught or suggested by the cited references.

Accordingly, claim 33 is believed to be patentable over the cited references, taken alone or in combination.

Withdrawal of the rejection is requested.

Claim 35

Claim 35 includes elements similar to claim 33 and is rejected on similar grounds. (See, Office action, p. 11.) As such, claim 35 is patentable at least for reasons cited above regarding patentability of claim 33.

Withdrawal of the rejection is requested.

Claim Rejections - 35 U.S.C. § 102

Claims 51-55 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fiter.

Claim 51 recites “means for controlling the radio base station and physically separated into first control means ... and second control means.”

Claim 52 recites “a radio controller ... physically separated into control plane equipment ... and user plane equipment.”

Claim 53 recites “a radio controller ... physically separated into control plane equipment ... and user plane equipment for performing control ... adapted to be connected across a network.”

Claim 54 recites “a radio controller ... physically separated into control plane equipment ... and user plane equipment.”

Claim 55 recites “a radio controller ... physically separated into control plane equipment ... and user plane equipment ... wherein the user plane equipment is incorporated into the radio base station, wherein replacement of said radio base station ... with another radio base station is controlled by a user data selector and synthesizer unit incorporated into the radio base station.”

The element of physical separation of CPE and UPE is not shown in Fiter.

The element of CPE and UPE being connected across a network is not shown in Fiter.

The element of UPE being incorporated into a radio base station is not shown in Fiter.

Accordingly, at least one element of each of the independent claims 51-55 is absent from Fiter and, thus, Fiter does not anticipate any of these claims. Therefore, claims 51-55 are believed to be patentable in view of Fiter. Allowance of claims 51-55 is requested.

Dependent Claims

Claims 23-25 and 43 depend from claim 19.

Claims 37 and 40 depend from claim 20.

Claims 38 and 41 depend from claim 21.

Claims 39 and 42 depend from claim 22.

Claims 30-32 and 50 depend from claim 26.

Claims 44 and 47 depend from claim 27.

Claims 45 and 48 depend from claim 28.

Claims 46 and 49 depend from claim 29.

Claim 34 depends from claim 33.

Claim 36 depends from claim 35.

The dependent claims are believed to be patentable at least because of dependence from patentable base claims.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The UPSTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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